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Attorneys for Defendants  
Michael R. Neely, Perry J. Neely and Gary Neely

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PALMTREE ACQUISITION  
CORPORATION**, a Delaware corporation,

Plaintiff,

vs.

**MICHAEL R. NEELY**, an individual,  
**PERRY J. NEELY**, an individual; **GARY  
NEELY**, an individual; **MICHAEL R.  
NEELY**, **PERRY J. NEELY** and **GARY  
NEELY dba MIKE'S ONE HOUR  
CLEANERS**; **CHARLES FREDERICK  
HARTZ dba PAUL'S SPARKLE  
CLEANERS**; **CHARLES F. HARTZ**, an  
individual; **MULTIMATIC  
CORPORATION**, a New Jersey  
corporation; **WESTERN STATES  
DESIGN**, a California corporation;  
**MCCORDUCK PROPERTIES  
LIVERMORE, LLC**, a Delaware limited  
liability company individually and as the  
successor to **JOHN MCCORMICK**,  
**KATHLEEN MCCORDUCK**, **PAMELA  
MCCORDUCK**, **SANDRA  
MCCORDUCK MARONA**, and **IMA  
FINANCIAL CORPORATION**, a  
California corporation; **STARK  
INVESTMENT COMPANY**, a California  
general partnership; **GRUBB & ELLIS  
REALTY INCOME TRUST**,

Case No. CV 08 3168 EMC

**STIPULATION RE EXTENSION OF TIME  
TO RESPOND ; ORDER**

**Hon. Edward M. Chen**

Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036

LIQUIDATING TRUST, a California trust;  
and DOES 1-20, inclusive,  
Defendants.

### STIPULATION

Pursuant to Local Rule 6-1(a), the parties below hereby agree and stipulate to allow Defendants Michael R. Neely, Perry J. Neely, and Gary Neely, dba Mike's One Hour Cleaners, Multimatic Corporation, and Stark Investment Company until September 15, 2008 to answer or otherwise respond to the Complaint of Palmtree Acquisition Corporation

DATED: \_\_\_\_\_

Cox, Castle & Nicholson, LLP

By \_\_\_\_\_

Peter M. Morrisette  
Attorneys for Plaintiff  
Palmtree Acquisition Corporation

DATED: 9/2/08

Wendel, Rosen, Black & Dean, LLP

By \_\_\_\_\_

Christine K. Noma  
Attorneys for Defendants  
Michael R. Neely, Perry J. Neely, and  
Gary Neely, dba Mike's One Hour Cleaners

DATED: September 1, 2008

Dongell Lawrence Finney, LLP

By \_\_\_\_\_

Thomas A. Vandenburg  
Ian Culver  
Attorneys for Defendant Multimatic  
Corporation

LIQUIDATING TRUST, a California trust;  
and DOES 1-20, inclusive,  
Defendants.

### STIPULATION

Pursuant to Local Rule 6-1(a), the parties below hereby agree and stipulate to allow Defendants Michael R. Neely, Perry J. Neely, and Gary Neely, dba Mike's One Hour Cleaners, Multimatic Corporation, and Stark Investment Company until September 15, 2008 to answer or otherwise respond to the Complaint of Palmtree Acquisition Corporation

DATED: 9/2/2008

Cox, Castle & Nicholson, LLP

By Peter M. Morrisette  
Peter M. Morrisette  
Attorneys for Plaintiff  
Palmtree Acquisition Corporation

DATED: \_\_\_\_\_

Wendel, Rosen, Black & Dean, LLP

By \_\_\_\_\_  
Christine K. Noma  
Attorneys for Defendants  
Michael R. Neely, Perry J. Neely, and  
Gary Neely, dba Mike's One Hour Cleaners

DATED: \_\_\_\_\_

Dongell Lawrence Finney, LLP

By \_\_\_\_\_  
Thomas A. Vandenberg  
Ian Culver  
Attorneys for Defendant Multimatic  
Corporation

1 DATED: \_\_\_\_\_

GONSALVES & KOZACHENKO

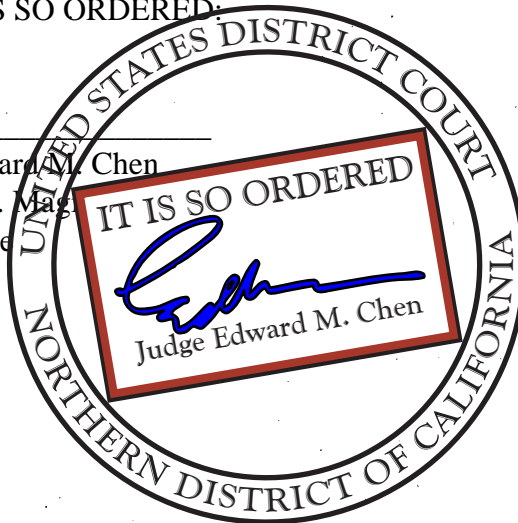
2 *Paul Kozachenko*

3 By: \_\_\_\_\_  
4 Paul Kozachenko, Esq.

5 Attorneys for Stark Investment Company

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7 IT IS SO ORDERED:

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10 Edward M. Chen  
11 U. S. Mag.  
12 Judge



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Oakland, CA 94607-4036

**PROOF OF SERVICE**

I, Eileen M. Dunbar, declare:

I am a citizen of the United States and am employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607-4036. On September 2, 2008, I served a copy of the within document(s):

**STIPULATION RE EXTENSION OF TIME TO RESPOND**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. The facsimile machine I used complied with California Rules of the Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of the Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Proof of Service.
- ☒ at my business address identified above by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, and by placing the envelope, addressed as set forth below, for deposit in the United States Postal Service that same day in the ordinary course of business. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope with overnight delivery fees paid or provided for, addressed to the person(s) on whom it is to be served, at the address(es) set forth below, and causing the envelope to be delivered that same date to a \_\_\_\_\_ courier or driver authorized by the express service carrier to receive documents for delivery.
- ☐ by personally delivering true and correct copies of the document(s) listed above in a sealed envelope, addressed to the person(s) at the address(es) set forth below, by leaving the envelope, which was clearly labeled to identify the attorney(es) being served, with the receptionist or other person apparently in charge at the address(es) set forth below.

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1111 Broadway, 24th Floor  
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Stuart I. Block  
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Company*

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Ellis Partners LLC  
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San Francisco, CA 94104

*Representative for Grubb & Ellis  
Realty Income Trust Liquidating Trust*

- ☐ I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
- ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 2, 2008, at Oakland, California.



Eileen M. Dunbar

Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036